

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Action dated June 20, 2007, has been received and its contents carefully reviewed.

Claims 1, 2, 5-22, and 31-40 remain pending in this application.

Claims 1, 2, 5, 31 and 32 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,457,282 to Jorgensen (hereinafter "Jorgensen"). Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Jorgensen. Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Jorgensen in view of U.S. Patent No. 5,547,343 to Jane (hereinafter "Jane"). Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Jorgensen in view of U.S. Patent No. 3,917,940 to Duddy (hereinafter "Duddy"). Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Jorgensen in view of U.S. Patent No. 5,370,500 to Thompson (hereinafter "Thompson"). Claims 12-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jorgensen in view of U.S. Patent No. 5,256,039 to Crawford (hereinafter "Crawford"). Claims 3, 8, 9, 11, and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jorgensen in view of U.S. Patent No. 5,725,356 to Carter (hereinafter "Carter"). Claim 17 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Jorgensen in view of Carter and further in view of Duddy. Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Jorgensen in view of Carter and further in view of U.S. Patent No. 5,842,670 to Nigoghosian (hereinafter "Nigoghosian"). Claims 19-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jorgensen in view of Carter and Crawford.

At the outset Applicants respectfully assert that the Examiner did not address the previous arguments presented in the Amendment filed May 17, 2007. The Examiner states:

The applicant has not presented concise arguments with regard to the art rejections of the claims. It is therefore assumed that the applicant acquiesced to the Examiner's position.

Applicants fail to see any basis for the Examiner's conclusory statement. Applicants provided specific, concise arguments regarding the deficiencies of the Examiner's previous rejection. It appears that the Examiner has chosen to ignore these arguments rather than properly address them as

required by the MPEP. Applicants also point out that the Examiner's rejection is deficient in that it did not address claims 33-40. As a result, Applicant's request that the Examiner remove the finality of the previous rejection, properly address Applicant's arguments, and examine claims 33-40.

For the Examiner's convenience, Applicant's previous response is repeated below.

The rejection of claims 1, 2, 5, 31, and 32 is respectfully traversed and reconsideration is requested. Claims 1, 2, 5, 31 and 32 are allowable over the cited references in that each of these claims recites a combination of elements including, for example, "a base that attaches to the cooking container." Jorgensen fails to teach or suggest at least this feature of the claimed invention. Specifically, the Examiner states that the "clamp (70) allows for the base to slide into and out of engagement with the container." In reality the claim 70 only engages the oven shelf 15. The holding container (C) is on and separate from the oven shelf. Nowhere does Jorgensen teach the clamp engaging the holding container (C) as claimed in the present invention. Accordingly, Applicant respectfully submits that claims 1, 2, 5, 31 and 32 are allowable over the cited references.

Claims 6-15 are allowable over Jorgensen for the reasons stated above. The additionally cited references Jane, Duddy, Carter, Thompson, and Crawford fail to cure the deficiencies of Jorgensen identified above, so claims 6-15 are allowable over the cited references.

The rejection of claim 16 is respectfully traversed and reconsideration is requested. Claim 16 is allowable over the cited references in that this claim recites a combination of elements including, for example, "a base that allows the cook fan to be placed near the cooking container." None of the cited references including Jorgensen and Carter, singly or in combination, teaches or suggests at least this feature of the claimed invention. This feature of the present invention requires to base of be of a shape and material that allows the base to withstand the high heat used in cooking using the cooking container because it is near the cooking container. The Examiner just states that the "a goose neck support as taught by Carter for the purpose of securely mounting the fan by increasing the clamping force and to allow the fan to be position in a multitude of locations." The fan of Carter is "for use on a child's stroller." (See Carter Abstract.) Such a fan is not intended to be able to withstand the high heat associated with being near a cooking container. As a matter of fact, because Carter is for use on a child's stroller, such application is contrary to this feature of the

present invention. So neither Carter or Jorgensen teach this feature of the present invention. Accordingly, Applicant respectfully submits that claim 16 is allowable over the cited references.

Claims 17-22 are allowable over Jorgensen and Carter for the reasons stated above. The additionally cited references Duddy, Nigoghosian, and Crawford fail to cure the deficiencies of Jorgensen and Carter identified above, so claims 17-22 are allowable over the cited references.


Applicants believe the foregoing amendments place the application in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (443) 441-3302 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

A petition is hereby made under 37 C.F.R. § 1.136 for a one month extension of time, and the \$60 (small entity) fee is paid by the attached money order.

Respectfully submitted,

Dated: October 22, 2007

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage a first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on October 22, 2007.